

REMARKS

The undersigned thanks the Examiner for his courtesy in granting a telephone interview in this case on June 4, 2007. In that interview the Examiner and counsel discussed (a) the issue of whether the specification supported the recitation in the claims relative to 360° of rotation of the platform and (b) whether the patent to Heisler et al. ('802) was a valid primary reference to support the Examiner's section 103 rejection of generic claim No. 20. The Examiner's reconsideration of the rejections made in the Office Action of May 7, 2007 is respectfully solicited in view of the facts brought out in the telephone interview and set forth below in this response.

The Examiner rejected claim 20 under section 112 as failing to comply with the written description in that the phrases "continuous rotation through 360 degrees" and "continuous 360 degrees rotation" were not supported by the specification. Counsel for Applicant has previously referred to the portions of Applicant's specification that support the objected to phrases. While specific mention is not made in the disclosure of "360 degrees" of rotation, the specification is replete with references to rotation that embraces, and in fact compels, an understanding of continuous rotation of 360°. For example: paragraph 0006 refers to the therapy administered by the apparatus as comprising "spinning, rolling and tumbling the body." Paragraph 0010 describes one embodiment as performing "tumbling or somersault type of head rotation." These are actions that must include continuous rotations of 360°. Paragraph 0009 describes "logrolling type of body movement." It also describes a second embodiment as performing rotation of the head about the body's longitudinal axis, sometimes referred to as log rolling. In the last two sentences of paragraph 0017 there is further description of activity that must contemplate 360 degrees of rotation—"Depending on the direction of rotation imparted to the disks 4 the platform 2 may be spun forwardly or backwardly. The person manipulating the disks and enabling the rotation may control the rate of number of rotations." (emphasis added). There cannot be a device where the number of rotations may be controlled unless the rotations are full circles of 360 degrees. Withdrawal of

the objection to new matter is requested.

In anticipation of the Examiner's withdrawal of the section 112 rejection, claims 18 and 20 remain with the previously objected to phrases. However, in order to comply with the requirement of section 3 of the Office Action, Applicant has added claims 21 and 22 that are duplicates of claims 20 and 18 (as amended) except that the objectionable phrases have been removed.

Claim 20 (currently amended) has been amended to cure the antecedent basis objection related to "platform means."

Claim 20 also stands rejected under section 103 as unpatentable over Heisler ('802) in view of Schaeffer ('288). Reconsideration of that rejection is requested on the following grounds. In making the rejection, the Examiner has erroneously equated the hand ring 17 of Heisler with the actuator means of claim 20. The hand ring 17 of Heisler is a hand support ring—it is not and cannot function as an "actuator means operatively connected to the shaft for imparting rotation to the platform" because the hand ring 17 is fastened (by bolts, welding or rivets) to the legs 20 and 21 of the supporting frame. (See column 2, lines 56-59). Obviously the hand ring 17 does not move or rotate and cannot impart rotation to the platform 30 of Heisler. Rotation of Heisler's platform is obtained through arm movement of the one lying on the platform 30. (See column 5, lines 35-45) Accordingly, the apparatus of claims 20 and 21 significantly departs from the teaching of Heisler and therefore rejection based on Heisler is inappropriate. The head restraining band of Schaeffer is irrelevant to the rejection since the primary patent to Heisler does not show or teach the other elements of the claimed combination.

Allowance of generic claims 20 and 21 is respectfully requested.

In view of the allowance of one or more generic claims, claims 18 and 19 should not be considered as withdrawn. New claims 22 and 23, also drawn to the embodiment of Figures 4-6, are presented and their entry into the case is requested. Allowance of claims 18, 19, 22 and 23 is also requested.

Respectfully submitted,
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